IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

THURSDAY, THE 2ND AUGUST 2007 / 11TH SRAVANA 1929

WP(C).No. 22159 of 2007(K)

AGAINST THE ORDER DATED / / IN DRC 2102 IN OA.177/2004 of DEBT RECOVERY TRIBUNAL, ERNAKULAM

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PETITIONER:

1. O.K.KUNHABDULLA,
   OTHAYOTH HOUSE, KUTTIADI P.O., KOZHIKODE.

2. O.K.ABDUL SALAM, S/O. AYAMMED,
   OTHAYOTH HOUSE, KUTTIADI P.O., KOZHIKODE.

BY ADV. SRI.AVM.SALAHUDIN

RESPONDENTS:

1. THE SOUTH INDIAN BANK LIMITED,
   HAVING ITS REGISTERED OFFICE AT TRICHUR,
   REPRESENTED BY ITS CHIEF MANAGER, KOZHIKODE,
   KOZHIKODE MAIN BRANCH.

2. M/S. DYNA GROUP OF AGENCIES,
   M-33, MARKAZ COMPLEX, MAVOOR ROAD,
   KOZHIKODE.

3. P.P.NARAYANAN,
   PARTNER, DYNA GROUP AGENCIES, PARAYULLA PARAMBATH HOUSE, MARUTHONKARA P.O., KOZHIKODE DISTRICT.

4. SANDHYA, W/O. DINESH,
   PARTNER, DYNAL GROUP AGENCIES, RESIDING AT ARMISHES FLAT, GROUND FLOOR, ASHOKAPURAM, KOZHIKODE.

5. REMA BALAN, W/O. LATE M.BALAN,
   KOODAKENTAVIT HOUSE, P.O.CHOMBALA, VIA VADAKARA.

6. SINDHU, D/O. LATE BALAN,
   KOODAKENTAVIT HOUSE, P.O.CHOMBALA, VIA VADAKARA.

7. RECOVERY OFFICER,
   OFFICE OF THE RECOVERY OFFICER,
   DEBT RECOVERY TRIBUNAL, ERNAKULAM.

BY ADV. SHRI.K.PRABHAKARAN, SC FOR R1

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 02/08/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WP(C) No. 22159/2007

APPENDIX

PETITIONER'S EXHIBITS

P1 : COPY OF EXTRACT OF THE ORDER DATED 11/05/2007 IN DRC 2102/SIB.KZKD PASSED BY THE RECOVERY OFFICER.

P2 : COPY OF THE PROCLAMATION DATED 01/06/2007 ISSUED BY RECOVERY OFFICER.

P3 : COPY OF THE PETITION DATED 16/07/2007 FOR PERMISSION IN DRC 2102/SIB.KZKD IN OA 177/04 BEFORE THE RECOVERY OFFICER.

P4 : COPY OF THE PETITION DATED 16/07/2007 FOR STAY IN DRC 2102/SIB.KZKD IN OA 177/04 BEFORE THE RECOVEYR OFFICER.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 22159 of 2007

Dated, this the 2nd day of August, 2007

J U D G M E N T

Heard learned counsel for the Petitioners and learned Standing Counsel for the 1st respondent Bank. Petitioners' property was sold on 15/07/2007. It is for the petitioners to file a petition before the recovery officer for cancellation of the sale on depositing the amount. If petitioners make application before the recovery officer, recovery officer will pass orders after hearing the petitioners and the purchaser. Since writ petition is pending for some time, petitioners are granted time till 31/08/2007 to make payment and for making application for cancellation of sale.

Writ petition is disposed of as above.

Issue photocopy today itself.

(C.N.RAMACHANDRAN NAIR, JUDGE)

jg